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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/651,623	08/29/2003	Kazuyo Hashiya	008312-0305778	8775
909 7590 10/11/2007 PILLSBURY WINTHROP SHAW PITTMAN, LLP P.O. BOX 10500 MCLEAN, VA 22102			EXAMINER DAILEY, THOMAS J	
			ART UNIT 2152	PAPER NUMBER
			MAIL DATE 10/11/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/651,623

Applicant(s)

HASHIYA ET AL.

Examiner

Thomas J. Dailey

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 16 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,15 and 16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,15 and 16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413).          |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/17/2007</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 2 and 7-14 were canceled by the amendment filed on August 16, 2007.
2. Claims 15 and 16 were added by the amendment.
3. Claims 1, 3-6, and 15-16 are pending.

### ***Information Disclosure Statement***

4. The information disclosure statement filed September 17, 2007 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1, 3-6, and 15-16 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

6. Claims 15 and 16 contain the following typographical errors:
  - (a) "by control *by* the timer" (claim 15, line 22 and claim 16, lines 22 and 28)

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the forth paragraph of 35 U.S.C. 112:

Subject to the following paragraph, a claim in dependent form shall contain a reference to a claim previously set forth and then specify a further limitation of the subject matter claimed. A claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers.

8. Claims 15 is rejected under 35 U.S.C. 112, forth paragraph, as it does not specify a further limitation of the subject matter claimed, as the claims are duplicates, verbatim (minus the claim objection mentioned above), of claim 5 (dependent on claim 1). The applicant is further advised that should claim 5 be found allowable, claim 5 will additionally be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1, 3-6, and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daniels (US Pub. No. 2002/0100044) in view of Takahashi et al (US Pat. 5,966,495), hereafter "Takahashi," in further view of Kaizu et al (US Pub No. 2004/0015989), hereafter Kaizu.
11. As to claim 1, Daniels discloses an information recording and playback apparatus comprising:
- an information recording and playback section which records information on a recording medium, and plays back prestored information from a recording medium ([0083], lines 1-15);
  - a communications control section which sets the operation based on an instruction provided directly from a user supplied from the outside, the operation information including an operation starting time, an operation ending time, and an indicated channel number ([0131], lines 9-18);
  - a memory section which stores the operation information ([0131], lines 14-19);
  - a timer section which operates and terminates the information recording and playback section, in accordance with the operation by referring to the memory section ([0131], lines 19-22);
  - a main-power internally-controllable switch, which constantly energizes to the timer section, and selectively energizes to the information recording and playback section and the communications control section by external operation

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([0103], lines 11-15 (recording section) and [0105], lines 1-7 (playback section))

or management of the timer section;

a radio clock section which receives a standard value used for time correction of the timer section from the outside ([0131], lines 19-22); and

a main control section which controls operations of the information recording and playback section, the timer section, the main-power internally-controllable switch and the radio clock receiving section ([0103], lines 1-4), with reference to the operation starting time and the operation ending time supplied through the communications control section ([0132]).

But, Daniels does not explicitly disclose the operation information additionally including, an indicated image quality and an indicated sound quality.

However, Takahashi discloses a recording apparatus whose operation information includes image and sound quality information (column 8, lines 36-42).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Daniels and Takahashi, because using the known technique of including image and sound quality information as part of recording information would have made Daniel's system more versatile.

But, neither Daniels nor Takahashi disclose the operation information is provided in the form of mail.

However, Kaizu discloses a recording mechanism acquiring operation information in the form of mail, the mail based upon direct user input (Fig. 22 and [0211]).

Because the references Daniels, Takahashi, and Kaizu disclose methods of recording based upon user input, it would have been obvious to one of ordinary skill in the art to substitute one method of conveying user information to the recording apparatus, in order to achieve the predictable result of recording a program desired by a user.

12. As to claim 3, Daniels, Takahashi, and Kaizu disclose the invention substantially with regard to the parent 1, and further disclose wherein the communications control section acquiring acquires the operation information by receiving, when a main power is turned on by control of the timer section, an instruction supplied in mail form from the outside (Daniels, [0131], lines 9-18 and Kaizu, as noted in claim 1's rejection, discloses receiving operation information via mail (Kaizu, Fig. 22 and [0211])).

13. As to claim 4, Daniels, Takahashi, and Kaizu disclose the invention substantially with regard to the parent claim 3, and further disclose the main power is turned on by control of the timer section at the time of starting a main power to correct the time of the timer section by the radio clock section (Daniels, [0103], lines 11-15 and [0131], lines 19-22).

14. As to claim 5, Daniels, Takahashi, and Kaizu disclose the invention substantially with regard to the parent claim 1, and further disclose the communications control section acquires the operation information by receiving, if a main power is turned on by control of the timer section and the information recording and playback section is being operated, an instruction supplied in mail form from the outside when the operation of the information recording and playback section has been completed (Daniels, [0131], lines 9-18, and Kaizu, as noted in claim 1's rejection, discloses receiving operation information via mail (Kaizu, Fig. 22 and [0211]).

15. As to claim 6, Daniels, Takahashi, and Kaizu disclose the invention substantially with regard to the parent claim 1, and further disclose the communications control section stores the operation information into the memory section, by turning on the main-power internally- controllable switch (Daniels, [0131], lines 14-19, if an instruction supplied in mail form from the outside in the state where a main power is off by control of the timer section includes an instruction to turn on



the main-power internally-controllable switch (Daniels, [0131], lines 9-18 and Kaizu, as noted in claim 1's rejection, discloses receiving operation information via mail (Kaizu, Fig. 22 and [0211]).

16. As to claim 15, it is rejected by the same rationale that was set forth in claim 1 and claim 5's rejection.

17. As to claim 16, it is rejected by the same rationale the was set forth in claim 1, 5, and 6's rejections.

### ***Conclusion***

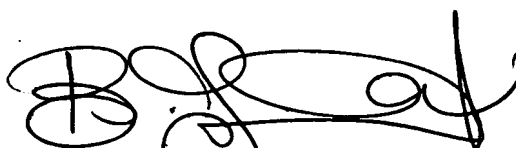
18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

19. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will

the statutory period for reply expire later than SIX MONTHS from the date of this final action.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Dailey whose telephone number is 571-270-1246. The examiner can normally be reached on Monday thru Friday; 9:00am - 5:00pm.
21. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
22. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TJD  
10/5/2007

  
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SUPERVISORY PATENT EXAMINER

10/9/07